

## **REMARKS**

Claims 1, 3 and 5-20 are now pending in the application. Claims 1 and 3 have been amended. Claims 2 and 4 have been cancelled. New claims 5-20 have been added for substantive examination. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by DE 19938511 to Hans and Joachim.

The Applicant has amended claim 1 to note that the reinforcement member has a first portion fixedly secured to an inner header panel and an outer header panel of the upper frame member. The reinforcement member has a second portion fixedly secured to one of the vertical segments of the lower frame member. The Applicant respectfully submits that DE 19938511 does not disclose each and every element of amended claim 1. Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejections.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 19938511 in view of U.S. Patent No. 6,053,562 to Bednarski.

Regarding claim 3, the Applicant respectfully relies on the amendments previously set forth relating to claim 1. Furthermore, the Applicant respectfully submits that none of the references cited, either solely or in combination with one another render

amended claim 1 or claim 3 obvious. On the contrary, the Applicant respectfully submits that DE '511 does not disclose an upper frame member including an inner header panel fixedly secured to an outer header panel. In particular, the Applicant would like to point out to the Examiner that Figure 1 of the DE '511 reference represents the prior art while Figures 2-13 relate to the invention described therein. Accordingly, the Applicant respectfully submits that DE '511 does not disclose an inner header panel (20) of Figure 2 being fixedly secured to panel 4 of Figure 1 of the prior art. Furthermore, none of the references teach or suggest a first portion of a reinforcement member being fixedly secured to the inner header panel and the outer panel as well as a second portion of the reinforcement member being fixedly secured to one of the vertical segments of the lower frame. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection to claim 3.

#### **NEW CLAIMS**

The Applicant provides new claims 5-20 for substantive examination. The Applicant respectfully submits that none of the references cited by the Examiner, either solely or in combination with one another, teach or suggest a liftgate frame as defined by the new claims. Therefore, the Applicant respectfully requests the Examiner to pass each of the pending claims to allowance.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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